

State of Vermont
Department of Public Service
112 State Street
Montpelier, VT 05620-2601
TEL: 802-828-2811

FAX: 802-828-2342
TTY VT: 800-734-8390
email: vt dps@state.vt.us
<http://publicservice.vermont.gov/>

November 3, 2016

Matthew S. DelNero, Chief
Wireline Competition Bureau
Federal Communications Commission

Re: Limited waiver of certain sections of the recently adopted Lifeline order (WC Docket No. 11-42)

Dear Mr. DelNero:

The Vermont Department of Public Service (DPS) respectfully seeks a limited waiver from certain parts of the Federal Communications Commission (FCC) recently adopted Lifeline order.

Background

The Vermont Lifeline program, including the application process and the eligibility guidelines, are governed by statute (30 V.S.A. § 218). Vermont law also establishes a state add-on to the federal Lifeline program. Under the process set out in Vermont law, a state agency, the Vermont Department for Children and Families (DCF) makes eligibility determinations. These determinations are conveyed to eligible telecommunications carriers which then provide the Lifeline credits to the customers that have been determined eligible by the DCF. Vermont's legislature next meets in January of 2017. The DPS and DCF are preparing to advance recommendations for this session to align eligibility and processes with that of the FCC's 2016 Modernization Order. However, the DPS believes a waiver until October 31, 2017, at the earliest, is necessary given the duration of the legislative session, the process and time to it takes to promulgate rules and finally implement new processes.

Discussion

The Vermont DPS respectfully requests that the Commission grant a waiver of only the changed eligibility requirements for any of those sections of the Lifeline Order that prohibit Lifeline providers from continuing to enroll consumers in the federal Lifeline program based on state-specific program and state specific income eligibility criteria.

Although challenging for implementation, Vermont is not requesting a waiver for those additional eligible populations specified in rule 54.400(j) (benefitting certain Veterans and Native Americans) nor for any other changes to the Modernization Order such as implementation of the Lifeline subscriber discount for broadband.



Streamlined eligibility, a national verifier and the National Lifeline Accountability Database are desirable tools that will make the administration of the Lifeline program more efficient, increase consistency and simpler to manage at both the state and national level. These changes commendably strengthen the program and given more time, Vermont will be able to implement them carefully and consistently.

Implementation of the streamlined federal eligibility without similar changes at the state level will set up a two-tiered eligibility criteria with three subsets of eligible subscribers (state, federal or both), creating confusion, additional administrative burden and the potential for duplication of benefits. Changing Vermont's eligibility requires action by its Legislature. The Vermont Legislature meets from January to April, followed by promulgation of rules and finally implementation.

Currently Lifeline applicants for wireline services, most Lifeline subscribers at present, provide a paper application to DCF and check the box for which criteria they might be applying under (i.e. which benefit program or by income and attach the necessary and appropriate evidence). For these applications, DCF reviews its database records to determine if the applicant is indeed eligible for the benefit program chosen and informs the carrier/service provider that their customer is eligible (no other details). For wireless customers, the process is slightly different because the carriers collect the initial application and forward a list of applicants on a weekly basis to DCF to determine eligibility. DCF responds with a yes/no. DCF is now, by statute, a required part of eligibility determination process and there is no other way currently for carriers to otherwise verify that an applicant is indeed eligible or currently receiving the benefit under which the applicant intends to qualify.

Further, Vermont's Lifeline statute allows for more expansive eligibility criteria including all programs for which DCF determines eligibility (such as LIHEAP) and an increased income threshold for senior citizens. Vermont's current processes for wireline customers do not allow for carriers to have access to the specifics of which criteria under which an applicant is determined eligible because applications go directly to DCF for processing as directed under statute.

Unfortunately, due to the timing of the issuance of the Modernization Order it was impossible to address changes to Vermont's Lifeline program in 2016. The legislature next convenes in January of 2017 and generally ends its session by May. It is possible for the Department to advance recommendations for changes to the statute for this next session. A waiver will allow Vermont the opportunity to inform its legislative assembly of concerns with the current statute given the FCC's Lifeline Modernization Order and develop and implement an orderly process by which applications may be accepted, de-duped and verified. We request this waiver sunset no earlier than October 31, 2017.

Summary

The Vermont Lifeline program's eligibility verification processes requires, by statute, that the Vermont Department for Children and Families make eligibility determinations and provide for a more expansive set of criteria. We respectfully seek a limited waiver from those parts of the

Lifeline Order that prohibit Lifeline providers from continuing to enroll consumers in the federal Lifeline program based on state-specific program and state specific income eligibility criteria. Vermont will use the time provided in the waiver to address needed statutory and procedural changes.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D.C.B.', with a stylized flourish extending to the right.

Daniel C. Burke
Telecommunications Special Counsel